

SUBDIVISION REGULATIONS

SALEM PLANNING AND ZONING COMMISSION

Amendments adopted after May 1, 1985,
indicated where applicable

Revised to: February 15, 2018

TABLE OF CONTENTS

SECTION 1 - TITLE, AUTHORITY, PURPOSE	1
1.1 TITLE	1
1.2 AUTHORITY	1
1.3 PURPOSE.....	1
1.4 APPLICATION OF REGULATIONS.....	2
SECTION 2 - DEFINITIONS.....	2
2.1 SUBDIVISION	2
2.2 RE-SUBDIVISION	2
2.3 SUBDIVIDER.....	2
2.4 COMMISSION	2
2.5 BOARD.....	2
2.6 STREET	3
2.7 PLAN	3
2.8 PUBLIC WATER SYSTEM	3
2.9 PUBLIC SEWERAGE SYSTEM	3
2.10 ROAD ORDINANCE	3
2.11 MANUFACTURED HOME (7/1/87).....	3
2.12 MANUFACTURED HOME PARK OR SUBDIVISION (7/1/87).....	3
2.13 NET BUILDABLE AREA (12/01/03).....	4
SECTION 3 - GENERAL REQUIREMENTS FOR THE SUBDIVISION OF LAND	5
3.1 APPROVED PLAN REQUIRED	5
3.2 CHANGES IN SUBDIVISION OR ZONING REGULATIONS	6
3.3 COMPLETION OF WORK.....	6

SECTION 4 - PROCEDURE OF THE COMMISSION ON APPLICATION	6
4.1 APPLICATION FOR APPROVAL.....	6
4.2 REFERRAL TO FIRST SELECTMAN	7
4.3 SIGNS.....	7
4.4 PUBLIC HEARING.....	7
4.5 ACTION BY COMMISSION	8
4.6 RECORDING OF DECISION	8
4.7 REFERRAL TO REGIONAL PLANNING AGENCY.....	8
4.8 <i>a. REFERRAL TO SALEM INLAND WETLANDS AGENCY</i>	9
4.9 CONSTRUCTION PERMIT	9
4.10 ACCEPTANCE OF ROADS	9
4.11 COMMON DRIVEWAYS.....	10
SECTION 5 - SPECIFICATIONS FOR PLAN	10
5.1 PRE-APPLICATION SKETCH PLAN	11
5.2 CONTENTS OF THE PRE-APPLICATION SKETCH PLAN	11
5.3 SUBDIVISION PLAN MAP.....	12
5.4 LOCATION MAP	14
5.5 ROAD PLAN AND PROFILE MAP	14
5.6 STATEMENT OF INTENT.....	15
5.7 WATER AND SEWER REPORT	15
5.8 GUARANTEE OF PERFORMANCE	15
5.9 FLOOD ELEVATIONS	16
5.10 FLOODWAY ENCROACHMENTS	16
5.11 FLOODING CONSIDERATIONS	17
5.12 SUMMARY MAP	17
5.13 DEEDS AND EASEMENTS.....	18

SECTION 6 - SUBDIVISION DESIGN REQUIREMENTS	18
6.1 SUITABILITY OF LAND.....	18
6.2 DIMENSIONAL REQUIREMENTS OF LOTS	19
6.3 NATURAL ENVIRONMENT	19
6.4 STREETS	19
6.5 LOTS.....	20
6.6 DRAINAGE	21
6.7 RESERVE STRIPS	21
6.8 OPEN SPACE AND RECREATION AREAS	21
6.9 COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS.....	22
<i>6.10 EROSION AND SEDIMENT (E&S) CONTROL PLAN</i>	<i>22</i>
SECTION 7 - SUBDIVISION IMPROVEMENTS.....	23
7.1 IMPROVEMENTS.....	23
7.2 MONUMENTS	23
7.3 STREETS	24
<i>SECTION 8 - OPEN SPACE REQUIREMENTS.....</i>	<i>25</i>
8.1 GENERAL REQUIREMENTS	25
8.2 DISPOSITION OF OPEN SPACE	25
8.3 LOCATIONAL & SHAPE CONSIDERATIONS	26
8.4 AMOUNT OF LAND REQUIRED	27
8.5 EASEMENTS	27
8.6 PERMITS FOR WORK IN A STATE HIGHWAY	27
8.7 PERMITS FOR WORK IN A TOWN ROAD	28
SECTION 9 - WAIVERS.....	28
9.1 REASONS FOR WAIVERS.....	28
9.2 CONDITIONAL APPROVALS	28

9.3	WAIVER LIMITATIONS.....	29
9.4	FORM OF WAIVER REQUEST	29
9.5	RECORDING OF REASONS FOR WAIVER	30
	SECTION 10 - ENFORCEMENT	30
	SECTION 11 - SEPARABILITY	30
	SECTION 12 - AMENDMENTS.....	30
	SECTION 13 - EFFECTIVE DATE.....	30

SECTION 1 - Title, Authority, Purpose

1.1 TITLE

These Regulations of the Salem Planning and Zoning Commission shall be known and may be cited as the "Regulations Governing the Subdivision of Land, Town of Salem, Connecticut" which herein are called "these Regulations."

1.2 AUTHORITY

Pursuant to the authority conferred by Chapter 126, Connecticut General Statutes, 1958 Revision, as amended, the Planning and Zoning Commission of the Town of Salem adopts the following amended regulations controlling the subdivision and re-subdivision of land in the Town.

1.3 PURPOSE

The purpose of these Regulations is to promote and to insure the orderly development of land within the Town so that the land to be subdivided shall be of such character that it can be used for building purposes without danger to health and safety; so that proper provision shall be made for water supply, surface drainage, and sewage disposal; so that in areas contiguous to brooks, rivers or other bodies of water subject to flooding, proper provision shall be made for protective flood control measures; so that proposed streets shall be in harmony with existing or officially proposed principal thoroughfares and so arranged and constructed so as to provide an adequate and convenient system for the present and prospective traffic needs; so that open spaces for parks and playgrounds shall be provided in locations deemed proper by the Planning and Zoning Commission; so that proper provision may be made for sedimentation control and the control of erosion caused by wind or water; so as to encourage energy-efficient patterns of development and land use, the use of solar and other renewable forms of energy, and energy conservation; and, in general, to protect the safety, convenience and welfare of the inhabitants of the Town of Salem.

1.3.a

The Town of Salem Planning and Zoning Commission has placed a moratorium on subdivision applications, effective beginning October 1, 2011, to allow the Commission adequate time to amend its Subdivision Regulations in response to Public Act 11-79. Said moratorium to remain in effect for a maximum of six (6) months, and shall automatically expire upon the effective date of revised regulations addressing PA

11-79. Municipal projects, which are not bonded, shall be exempt from this moratorium. (10/01/2011)

1.4 APPLICATION OF REGULATIONS

The regulations contained herein shall apply to any owner or agent of an owner of any land located within the Town of Salem who subdivides a tract or parcel of land or who effects a re-subdivision of a tract of land as will be hereinafter defined. No subdivision of land shall be made, and no land in any subdivision shall be sold or offered for sale or lease until a plan of subdivision, prepared in accordance with the requirements of these Regulations, has been approved by the Commission.

SECTION 2 - Definitions

2.1 SUBDIVISION

The division of a tract or parcel of land into three (3) or more parts or lots made subsequent to August 1, 1960, for the purpose, whether immediate or future, of sale or building development, expressly excluding development for municipal, conservation or agricultural purposes, and includes resubdivision.

2.2 RE-SUBDIVISION

A change in a map of an approved or recorded subdivision, or re-subdivision, if such change (a) affects any street layout shown on such map, or (b) affects any area reserved thereon for public use, or (c) diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval or recording of such map, or as the definition "re-subdivision" is used in Chapter 126 of the Connecticut General Statutes, or as it may hereafter be amended by statute.

2.3 SUBDIVIDER

The owner or owners of record of the land to be subdivided at the time of the filing of an application for approval of a plan of subdivision thereof and shall include any subsequent owner or owners of record making any subdivision of such land or any part thereof.

2.4 COMMISSION

The Planning and Zoning Commission of the Town of Salem.

2.5 BOARD

The Board of Selectmen of the Town of Salem.

2.6 STREET

An improved right-of-way suitable for two-way vehicular travel accepted for public use by the Town of Salem at a Town Meeting; a State highway; or any proposed street shown on a subdivision plan approved by the Town of Salem Planning and Zoning Commission and recorded on the Land Records of the Town of Salem; or on any subdivision plan under consideration for approval by the Commission.

2.7 PLAN

Shall mean the subdivision map, drawing, or drawings, prepared for approval by the Commission in accordance with the provisions of these Regulations.

2.8 PUBLIC WATER SYSTEM

Shall mean a piped water system serving two or more living units from a common water supply.

2.9 PUBLIC SEWERAGE SYSTEM

Shall mean a piped sewerage system with sewage treatment plant that shall conform to the maximum design standards required by current or future State Health Department regulations or Department of Environmental Protection regulations.

2.10 ROAD ORDINANCE

An ordinance titled "Design and Construction Standards of the Town of Salem, Connecticut."

2.11 MANUFACTURED HOME (7/1/87)

Means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes camping vehicles, park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

2.12 MANUFACTURED HOME PARK OR SUBDIVISION (7/1/87)

Means a parcel, or contiguous parcels, of land divided into two or more manufactured home lots for rent or sale.

2.13 NET BUILDABLE AREA (12/01/03) (2/15/18)

An area within each new lot created after December 1, 2003 which has all of the following characteristics (See exemption listed in Section 6.1.1) (10/1/13):

1. Size:
 - a) A minimum size of 40,000 square feet unless otherwise designated in these Regulations or in the Salem Zoning Regulations. (2/15/18)
 - b) A maximum size of 50,000 square feet unless otherwise designated in these Regulations.
2. Shape: The NBA shall be a parallelogram, with a seventy five (75) degree angle being the smallest allowable angle, and with all sides having a length of at least one hundred (100) feet. (Unless as per Zoning Regulation Section 15.2.11)
3. Exclusions: The NBA shall not include:
 - a) Wetlands.
 - b) 100-year flood "A" Zone area, as depicted on the Salem Flood Insurance Rate Map (FIRM).
 - c) Land on which the natural slope greater than twenty-five percent (25%), measured from the highest point in the NBA to the lowest point in the NBA, over a minimum distance of forty (40) feet.
4. Inclusions: The NBA must include:
 - a) Contiguous land which is outside of the wetlands Upland review Area, and which makes up at least seventy-five percent (75%) of the NBA.
 - b) Unaltered (natural) land with soils suitable for subsurface sewage disposal, as documented by two (2) test holes at least fifty (50) feet apart, witnessed by the Salem Town Sanitarian or his/her designee, with the following characteristics:
 - 1) Percolation rate must be not more than thirty (30) seconds per inch, nor less than one (1) inch per minute.
 - 2) Maximum water table not less than twenty-four (24) inches from the surface.
 - 3) Ledge rock not less than four (4) feet from the surface.

except that any or all of these inclusions may be waived by Special Exception where it can be shown to the satisfaction of the Planning and Zoning Commission that the lot plan meets the intent of the Commission to protect the quality of groundwater, and to avoid conflict with activities regulated by the Salem Inland Wetlands and Conservation Commission. In considering a waiver, the general topography, density of local housing, degree of variation from the above standards, the ability of the land adjacent to the Net Buildable Area to absorb subsurface effluent, and other factors that the Commission considers to be relevant shall be taken into account.

SECTION 3 - General Requirements for the Subdivision of Land

3.1 APPROVED PLAN REQUIRED

No subdivision of land shall be made until a plan for such subdivision has been approved by the Commission. Any person, firm or corporation making any subdivision of land without the approval of the Commission shall be fined not more than \$500 for each lot sold or offered for sale or so subdivided. Any plan for subdivision shall, upon approval, or when taken as approved by reason of the failure of the Commission to act, be filed or recorded by the applicant in the office of the Town Clerk within ninety days of the expiration of the appeal period, as specified in Section 8-8 of the Connecticut General Statutes, and any plan not so filed or recorded within the prescribed time shall become null and void, except that the Commission may extend the time for such filing for two additional periods of ninety days, and the plan shall remain valid until the expiration of such extended time. All plans should be delivered to the applicant for filing pursuant to Section 8-25, as amended, of the Connecticut General Statutes. No such plan shall be recorded or filed by the Town Clerk until the approval of the Commission has been endorsed thereon by its Chairman or Secretary and the filing or recording of a subdivision plan without such approval shall be void. (6/1/94) (7/31/02)

3.1(a) Submission of Digital Data for Record Subdivision Map. Prior to the endorsement of the mylars, the applicant shall submit a digital file of the Record Subdivision Map prepared in accordance with Section 11A.7 of the Town of Salem Zoning Regulations, as amended. The applicant may request, in writing, that the Commission approve payment of a fee as outlined in Appendix 1, as amended, of the Zoning Regulations in lieu of digital data submission. (4/01/07)

3.1.1 The Commission may authorize the filing of a plan with a conditional approval endorsed thereon. Such approval shall be conditioned on the actual construction and installation of any improvements or utilities prescribed by the Commission. Upon the completion of the work, the Commission shall cause a final approval to be endorsed on the subdivision plan in the manner provided by these Regulations. For any subdivision approved before July 1, 2011 which has not expired prior to May 9, 2011, said approval shall lapse nine (9) years from the date of approval. Any conditional approval shall lapse five years from the date it is granted. Any person, firm or corporation who, prior to such final approval, sells or offers for sale any lot subdivided pursuant to a conditional approval shall be fined not more than \$500 for each lot sold or offered for sale. (4/6/12)

3.2 CHANGES IN SUBDIVISION OR ZONING REGULATIONS

If the Commission amends either their subdivision and/or zoning regulations or zoning map subsequent to the receipt of an application under the provisions of Section 4.1 of these Regulations, or subsequent to the approval of any subdivision plan, the provisions of Section 8-26a, 8-28a and 8-28b of the Connecticut State Statutes shall determine how such amendment affects such application or any approved plan.

3.3 COMPLETION OF WORK

Any person, firm, or corporation making any subdivision of land shall complete all work within the period specified within Section 8-26c of the Connecticut State Statutes. The Commission shall indicate on each approved subdivision plan, as part of its endorsement, the date when such period of time expires, and the disposition of all land included in an approved subdivision, subsequent to said indicated date shall be governed by other provisions of Section 8-26c of the State Statutes.

3.3.1 (6/01/94) (4/6/12) The subdivider or his/her successor in interest may apply for, and the Commission may grant, one or more extensions of the time to complete all or part of the work in connection with the subdivision, provided the total time for all extensions shall not exceed ten years from the date the subdivision was approved. For any subdivision approved before July 1, 2011 which has not expired prior to May 9, 2011, all extensions shall not exceed 14 years from the date the subdivision was approved.

SECTION 4 - Procedure of the Commission on Application

4.1 APPLICATION FOR APPROVAL

Application for approval of a subdivision plan shall be made in writing on the form provided by the Commission and submitted to the Clerk of the Commission at the Salem Town Office Building not less than seven days prior to a regularly scheduled meeting of the Commission. The application shall consist of the following:

- a. Three copies of the application form.
- b. Eight (8) copies of the Subdivision Plan meeting all of the requirements of Section 5.3 of these Regulations and Section 11A Site Plans of the Salem Zoning Regulations. (7/31/02)
(4/01/07)

- c. Three copies of all other items listed in Section 5.4 through 5.7 of these Regulations.
- d. An application fee in accordance with Salem's "Ordinance Concerning Planning and Zoning Commission Fees, as amended. (12/1/92) (7/31/02)

4.2 REFERRAL TO FIRST SELECTMAN (7/31/02)

The Commission shall forward one copy of the subdivision plan to the First Selectman who shall review all proposed construction related to roads and drainage and to any driveway locations shown on the plan. The First Selectman shall transmit any comments he/she may have on the proposed plan to the Commission who shall immediately notify the applicant of such comments. (7/31/02)

4.3 SIGNS (8/1/86)

At least 15 days prior to any public hearing on a subdivision or re-subdivision, or, if no hearing is held, at least 15 days prior to action by the Commission on the application, the applicant shall post a sign on the premises indicating that such action is proposed. The sign shall be obtained from the Town Office Building upon submission of a deposit in accordance with Salem's "Ordinance Concerning Planning and Zoning Commission Fees", as amended. The sign shall be 4' by 4' in size and shall be firmly set at least three feet above ground surface and shall be located so as to be clearly visible and legible from the most heavily used adjacent Town road or two-lane state highway. The location shall be subject to approval by the Zoning Enforcement Officer. The sign shall indicate the following: (12/1/92) (7/31/02)

PUBLIC NOTICE
This Property Proposed For:
SUBDIVISION
For Information, Contact
First Selectman's Office
Salem Planning and Zoning Commission

Immediately after the public hearing, or if no hearing is held, immediately after a decision is made by the Commission on the application, the sign shall be removed from the premises and returned to the Town Office Building. If this is done within 7 days after Commission action on the application, the deposit, minus \$10, will be refunded. (12/1/92) (7/31/02)

4.4 PUBLIC HEARING

The Commission may hold a public hearing regarding any subdivision proposal if, in its judgment, the specific circumstances require such action. However, no plan of resubdivision shall be acted on by the Commission without a public hearing. Any public hearing and public notices thereof shall be in accordance with the provisions of the Connecticut General Statutes. Such hearing shall be completed within thirty-five (35) days after such hearing commences, except that the applicant may consent to one or more extensions of time, provided the total time of extensions shall not

be for longer than an additional thirty-five (35) days, or the applicant may withdraw the application. It is the policy of the Commission to attempt to resolve all issues raised at any hearing concerning a subdivision or resubdivision application prior to closing the hearing. (7/31/02)

- a. After making application and being given assignment for public hearing thereon, the applicant shall prepare a list of the names and addresses of the owners of all properties 500 feet or less distance from the property which is the subject of the application, all as shown on the most recent records on file in the Town of Salem Assessor's Office (or the actual owners of record if otherwise known to the applicant). The applicant shall mail notification of said pending application to at least one (1) owner of each such property not more than thirty (30) days nor less than ten (10) days before the date set for the public hearing by transmitting the text of the Public Hearing Notice. Evidence of such mailing, in the form of United States Post Office Certificates of Mailing, shall be submitted to the Secretary of the Planning and Zoning Commission along with the above said list of property owners not less than seven (7) days prior to the hearing date. (5/01/09)

4.5 ACTION BY COMMISSION

The Commission shall approve, modify and approve, or disapprove each subdivision or resubdivision application within the time limits established by the Connecticut General Statutes. The failure of the Commission to act upon any application within said specified period of time shall be considered as an approval, and a certificate to that effect shall be issued by the Commission on demand.

4.6 RECORDING OF DECISION

The minutes of the meeting at which an application was acted upon shall indicate how each member voted and the grounds for the Commission's decision, be it to approve, modify and approve, or deny the application. Notice of the Commission's decision shall be published in a newspaper having a substantial circulation in Salem and shall be sent to the applicant by certified mail within fifteen (15) days after such decision is rendered.

4.7 REFERRAL TO REGIONAL PLANNING AGENCY

Whenever a subdivision of land is planned, the area of which will abut or include land of two or more municipalities, one of which is the Town of Salem, additional copies of the documents required under Section 4.1a through c shall be submitted along with the subdivision application to enable the Commission to forward a complete set of such documents to each regional planning agency serving the town's subdivision. Adequate time shall be provided for a review of said application by the applicable regional

planning agencies as is required by Section 8-26b of the Connecticut General Statutes.

4.8 a. REFERRAL TO SALEM INLAND WETLANDS AGENCY (1/1/88)

If an application involves land regulated as an inland wetland under the provisions of Chapter 440 of the Connecticut General Statutes, the applicant shall submit an application to the Wetlands Agency no later than the day the application is filed for the subdivision. The Commission shall not render a decision until the Wetlands Agency has submitted a report with its final decision to the Commission. In making its decision, the Commission shall give due consideration to the report of the Wetlands Agency. (P.A. 87-533)

b. REFERRAL TO ADJOINING MUNICIPALITY (1/1/88)

The Commission shall notify the clerk of the adjoining municipality of the pendency of any subdivision application on any site when: (1) any part of the property affected by the Commission's decision is within 500 feet of the adjoining municipality; (2) a significant portion of the traffic to the completed project will use streets within the adjoining municipality to enter or exist the site; (3) a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewer system within the adjoining municipality; or (4) water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality. Such notice shall be made by registered mail and shall be mailed within seven (7) days of the date of receipt of the application or site plans and no hearing shall be held on the application or site plan until after the adjoining municipality has received such notice. A representative from the adjoining municipality may appear and be heard at any hearing on any such application or site plan. (P.A. 87-307)

4.9 CONSTRUCTION PERMIT

Upon approval of a subdivision plan and prior to commencing construction of improvements, the subdivider shall obtain a construction permit from the Board of Selectmen in accordance with the Town Road Ordinance. The construction and inspection of improvements shall be in accordance with said Ordinance.

4.10 ACCEPTANCE OF ROADS (5/1/85) (4/6/12)

After completion of all work relating to new roads, and after all safety improvements relating to new roads have been completed, the applicant may request and the Commission shall consider recommending to the Board of Selectmen, acceptance of such roads into the Town road system.

4.11 COMMON DRIVEWAYS (3/15/05)

Plans submitted with applications for subdivision or resubdivision which include a common driveway shall be prepared in accordance with Section 11A Site Plans of the Zoning Regulations and shall include the following:

- a. No common driveway shall serve more than six (6) lots;
- b. The finished portion of a common driveway shall be at least sixteen (16) feet wide in its entirety; the entrance shall be a minimum of twenty-four (24) feet wide; (5/01/09)
- c. A note shall be included on the plan stating that the deed(s) are to include all information regarding easements, rights and responsibilities regarding the common driveway. All proposed easements shall be a minimum of twenty-five (25) feet in width and shown on the plan with bearings and distances;
- d. The common driveway shall be cleared of all obstructions to a minimum width of twenty-four (24) feet and a minimum height of fourteen (14) feet;
- e. The maximum length of a common driveway shall be 900 feet, measured from the street line to the front lot line of the furthest family unit served by the common driveway; (4/01/07) (5/01/09)
- f. The area of the common driveway easement shall not be included in the minimum lot requirement as per Section 3.2 of the Zoning Regulations;
- g. For emergency access purposes, a sign of at least one (1) square foot shall be placed at each intersection where an individual driveway begins. Such sign shall clearly provide the address of the lot to which the driveway belongs. In accordance with the Town Numbering Ordinance, a sign, visible from the public street, shall be placed within the common driveway easement. Such sign shall provide the address numbers of all lots that use the common driveway. The numbers shall be a minimum of three (3) inches in height and such sign shall be no larger than one and one-half (1½) square feet;
- h. The Commission may determine that a minimum of one turn-around, twenty (20) feet by twenty (20) feet, shall be required if the length of the driveway exceeds three hundred (300) feet, or if the surrounding terrain will pose a safety problem;
- i. Maximum driveway slope shall be ten (10%) percent as computed at a two (2) ft. contour interval. (5/01/09)
- j. DELETED (5/01/09)
- k. All proposals including a common driveway shall include an Agreement for the Common Driveway prepared in compliance with Section 3.25(K) of the Zoning Regulations.

SECTION 5 - Specifications for Plan

5.1 PRE-APPLICATION SKETCH PLAN

The pre-application sketch plan is a general layout of a proposed subdivision submitted by the subdivider for informal consideration by the Commission prior to a formal submission of an application for approval. A pre-application sketch plan shall not be required prior to submission of an application, but applicants are encouraged to preview potential subdivision requests with the Commission before formal submission of an application to ensure that basic requirements can be met prior to incurring engineering, application, and legal fees involved with submission of an application and plan. It should be clearly understood that the pre-application sketch plan enjoys no official status and that consent with regard to feasibility of the pre-application sketch plan on the part of the Commission in no way predicates approval of the required plan. A pre-application sketch plan is encouraged in the interest of improved communication between the applicant and the Commission with regard to intent and general design, but is at the sole discretion of the applicant. Neither the pre-application sketch plan nor the informal consideration by the Commission, however, shall be deemed to constitute any portion of the official and formal procedure of applying for and approving subdivision or resubdivision of land as contemplated under the provisions of the General Statutes of the State of Connecticut. In particular, neither the pre-application sketch plan nor the informal consideration by the Commission shall be deemed to constitute part of the official procedure described in Chapter 126 of the General Statutes.

5.2 CONTENTS OF THE PRE-APPLICATION SKETCH PLAN

The pre-application sketch plan may be drawn on tracing paper with pencil at a suitable scale, which will show sufficient information about the subdivision to form a clear basis for discussion of its problems and for the preparation of the plan. The pre-application sketch plan should show:

- 5.2.1 The subdivision name, boundaries, true north point, date, scale.
- 5.2.2 The names and addresses of record owners and the applicant.
- 5.2.3 All major site features such as existing streams, water bodies, wetland areas, stone walls, fences, large trees, and existing tree line, rock ridges and outcroppings, and basic topography (ten foot contours from U.S.G.S. maps shall be adequate).
- 5.2.4 The names, approximate location of existing adjacent streets, and proposed streets.
- 5.2.5 The total site area, the total number of proposed lots, the approximate Net Buildable Area outline within proposed lots, the general configuration of the

proposed lot boundary lines and approximate area of each proposed lot. (12/01/03)

5.3 SUBDIVISION PLAN MAP

No plan of subdivision will be approved unless it is clearly drawn on sheets no larger than 24" x 36", and to a scale approved by the Commission, but not less than 100 feet to one inch. All such maps shall conform to class A-2 of the Recommended Standards for Surveys and Maps in the State of Connecticut prepared by the Connecticut Association of Land Surveyors, Inc. The subdivision application shall be accompanied by eight (8) copies of the subdivision plan map reproduced by black and white print or similar process, for the use of the Commission. (6/1/94) (7/31/02)

Said subdivision plan map shall contain the following information and be prepared in compliance with Section 11A of the Salem Zoning Regulations. Where conflicts exist, the more stringent regulation shall apply: (4/01/07)

- 5.3.1 Name of the current owner(s) of the land to be subdivided as per deed(s) recorded in the Town of Salem's Land Records at the time the subdivision application is submitted. If the owner is a corporation, the names of all officers of the corporation at the time the subdivision application is submitted shall be indicated. If the applicant for subdivision approval is a party other than the property owner of record, the business relationship between the property owner and the applicant shall be clearly described.
- 5.3.2 Name of subdivision, if any.
- 5.3.3 Name, seal and registration number of the land surveyor who prepared the Subdivision Map, who shall be registered to practice in the State of Connecticut. In addition, when a subdivision plan includes the design of roads, drainage systems, sanitary sewer systems, and water supply and distribution systems, such plan shall also contain the name, seal and registration number of the professional engineer who must be registered in the State of Connecticut, that undertook the design of such improvements. (7/31/02)
- 5.3.4 North point, scale of map, original date, and date of all revisions. Revisions made on a plan after it has been submitted to the Commission shall be explained on the plan. The Date of Submission shall appear on the plan in or near the block where revision dates and related explanations are listed. (10/1/88)
- 5.3.5 Boundary lines of property being subdivided with accurate distances and bearings.
- 5.3.6 Names of all abutting property owners.

- 5.3.7 Total acreage of the entire property being subdivided.
- 5.3.8 Layouts of all lots, showing the total area in square feet for each lot, accurate dimensions, bearings and/or angles, building lines, and the locations of all monuments or markers indicating lot boundaries. Lot numbers, approved by the Salem Assessor, shall be shown. (10/1/88)
- a. Net Buildable Area boundaries, dimensions, and area shall be shown for each proposed lot. (12/01/03)
- 5.3.9 The location of all street monuments.
- 5.3.10 Layouts of all existing streets and proposed new streets, easements, rights-of-way, including those for utilities, sewers, and drainage, either on or off site which serve or abut the proposed subdivision, open spaces reserved for parks, playgrounds or other common separate uses. The applicant shall present evidence that easement holders have been notified of the intent to subdivide. (10/1/88)
- 5.3.11 Accurate description of all curves which shall include the central angles, the arc length, the radius, and the length of tangent.
- 5.3.12 The location of all proposed and existing wells and sewage disposal systems which are to serve each proposed lot and so far as can be determined, all existing wells and sewage disposal systems on abutting land.
- 5.3.13 Contours of all land to be subdivided shall be shown in sufficient detail to indicate general topography, watercourses, and drains. Contours shall be shown at not more than 5' intervals. If grading of lots is necessary for placement of septic systems, finish grades shall be shown.
- 5.3.14 The locations of all existing buildings, existing and proposed water, oil, and gas mains, sanitary and storm water sewers, catch basins, manholes, bridges, and culverts, with invert elevations of all drainage structures. All existing utility lines and poles on the property to be subdivided, and locations and pole numbers of existing utility poles along both sides of roads abutting the site shall also be shown. (10/1/88)
- 5.3.15 Location of all watercourses, wetlands, land subject to flooding, rock outcroppings, stone walls, and existing trees in excess of two feet in diameter which are located within any proposed road right-of-way. Plan should also include an indication of the existing tree lines on the site and those areas which are to be left undisturbed.

- 5.3.16 The location and listing of significant natural resources such as prominent geological features and important habitat including species of critical federal or state concern along with the measures proposed to minimize impact on such resources. (10/1/13)
- 5.3.17 The proposed location of all open space areas which are to be located within the proposed subdivision in accordance with the requirements of Section 8 of these Regulations including an indication of the total square feet of each proposed open space area.
- 5.3.18 The words, "Approved by the Town of Salem Planning and Zoning Commission" and space for the date of the approval vote; designated spaces for the signature of the Commission's Chairman or Secretary and the date of such signature; and the words, "All work shown as part of this plan shall be completed by" and space for the date of such completion which shall be five (5) years after the date of approval vote by the Commission.
- 5.3.19 If conditional approval is granted, the words, "Conditional Approval by the Salem Planning and Zoning Commission" and a space for the date of such conditional approval vote; designated spaces for the signature of the Commission

Chairman or Secretary and the date of such signature; the words, "Conditional Approval expires on" and space for the date of such expiration; the words, "Final Approval voted by the Salem Planning and Zoning Commission" and space for the date of such final approval vote, spaces for the signature of the Commission's Chairman or Secretary endorsing such final approval and the date of such signature.

5.4 LOCATION MAP

A general site or location map shall be submitted on a separate map or as an insert on the plan map. It shall be at a scale not smaller than 1" equals 1,000' and shall delineate all lots and streets within the proposed subdivision, and indicate all existing streets within 1,000 feet from the boundaries of the proposed subdivision and shall indicate the distance to the nearest road intersection if it is more than 1,000 feet from the subdivision. (10/1/88) In addition, whenever the required Subdivision Plan Map consists of more than one sheet, the location map shall also contain an indication of the general topography within the proposed subdivision which can be as shown on the applicable USGS Topographic Maps, and an indication of that portion of the proposed subdivision shown on each Subdivision Plan Map.

5.5 ROAD PLAN AND PROFILE MAP

A road plan and profile map shall be submitted as a separate map showing accurate existing and finished grades, of all proposed roads, together with detailed road construction plans, including details of all drainage structures and grading plans of embankments and slopes. Such plans shall be prepared by a professional engineer licensed to practice in the State of Connecticut, whose seal, name and registration number should clearly be indicated thereon.

5.6 STATEMENT OF INTENT

The subdivider shall also submit to the Commission a written statement of intent setting forth in detail future subdivision development plans affecting any other land of the owner which is contiguous to the land of the subdivision for which approval is sought; the methods by which the subdivider proposes to provide for the disposal of sanitary and storm sewage; the methods by which the subdivider proposes to provide for the supply of potable water; and the methods by which the subdivider proposes to provide for the reservation of necessary easements and open spaces.

5.7 WATER AND SEWER REPORT

Where a public water supply is to be provided, the subdivider shall submit to the Commission a plan for such supply and distribution systems prepared by a registered professional engineer in accordance with applicable regulations of the Connecticut Department of Health Services and the Southeastern Connecticut Water Authority, and the applicant shall submit written certification from said Department or Authority concerning the adequacy of such plans.

Where public sewers are to be constructed the subdivider shall submit to the Commission a plan for such facilities prepared by a registered professional engineer in accordance with applicable regulations of the Connecticut Department of Environmental Protection, and the applicant shall submit written certification from said Department concerning the adequacy of such plans.

Where on-lot sewage disposal systems are to be used, the subdivider shall submit to the Commission a report endorsed by the Town Sanitarian indicating that conditions are satisfactory on each lot for such systems. The report shall present findings and results of deep test pits and percolation tests conducted on each lot in the probable area of proposed leaching systems and required reserve leaching areas. All such tests shall be conducted in conformity with the Connecticut Health Code and shall be witnessed by the Town Sanitarian or a certified sanitarian acceptable to the Town Sanitarian. Test pits shall be filled in immediately after examination by the Sanitarian except where otherwise instructed by the Sanitarian. (10/1/88)

5.8 GUARANTEE OF PERFORMANCE

Prior to endorsement of a subdivision plan that has been approved by the Commission or prior to endorsing final approval of a filed subdivision plan that has been conditionally approved by the Commission, the Commission may accept a guarantee of performance in the form of a surety in an amount and form satisfactory to the Commission to cover the construction of all improvements required by these Regulations and the Town Road Ordinance as shown on the approved plan. The applicant shall provide an estimate of the costs of such improvements and the basis for the estimate. The Commission shall consult with the Board of Selectmen in determining the amount of any surety. (5/10/93) (7/31/02)

5.8.1 The surety shall be determined as follows: (1/4/85)
(7/31/02)

- a) The full cost of the required improvements as if let-to-bid by the Town as of a current date and with no advantages of on-site building materials or sale of removed earth material;
- b) An additional amount to reflect possible cost escalations five years hence, based on the most recent quarterly construction cost index published by McGraw-Hill in the "Engineering News Record." (5/10/93)

5.8.2 Deleted (4/6/12)

5.8.3 Deleted (4/6/12)

5.8.4 Prior to endorsing any plan for filing, the Commission may require a letter of credit, bond, or savings account surety to cover the cost of erosion and sediment control measures indicated on the plan. (4/01/90) (7/31/02)

5.9 FLOOD ELEVATIONS (7/1/87) (7/18/11)

All applications for subdivision (including manufactured home subdivisions) greater than five (5) acres or fifty (50) lots (whichever is less) shall include with such applications base flood (a flood having a one percent chance of being equaled or exceeded in any given year) elevation data for that portion of the subdivision which permits the construction of buildings and which is located within A and AE Zones (on the Town's Flood Insurance Rate Map, dated July 18, 2011, or any subsequent revision thereof. In addition, the Commission shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring that new construction, substantial improvements, or other development in A Zones, meet the standards of these Regulations. (7/18/11)

5.10 FLOODWAY ENCROACHMENTS

Within the floodway, designated on the Flood Insurance Rate Map for New London County, dated July 18, 2011, or any subsequent revision thereof, a copy of which is on file with the Commission, all encroachments, including fill, new construction, substantial

improvements to existing structures, and other development, are prohibited unless certification, with supporting technical data, by a Connecticut registered professional engineer is provided by the applicant demonstrating, through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachment shall not result in any (0.00 feet) increase in flood levels during a 100-year flood. No manufactured home shall be placed within the area of the floodway. Fences in the floodway must be aligned with the flow and be of an open design. (7/18/2011)

5.11 FLOODING CONSIDERATIONS (7/1/87) (7/18/11)

The Commission shall determine that proposed subdivisions (including manufactured home subdivisions) are reasonably safe from flooding. When a subdivision is proposed in an A or an AE Zone on the Town's Flood Insurance Rate Map, dated July 18, 2011, or any subsequent revisions thereof, it shall be reviewed to assure the following:

- 5.11.1 That all proposals are consistent with the need to minimize flood damage within the flood-prone areas.
- 5.11.2 That all public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.
- 5.11.3 That adequate drainage is provided to reduce exposure to flood hazards.
- 5.11.4 That new and replacement water supply systems are designed to minimize or eliminate infiltration of flood waters into the systems.
- 5.11.5 That new and replacement sanitary sewer systems are designed to minimize or eliminate infiltration of flood waters into the systems or discharge from the systems into flood waters.
- 5.11.6 That on-site sewage disposal systems are located to avoid impairment of them or contamination from them during flooding.
- 5.11.7 That the flood-carrying capacity is maintained within any altered or relocated portion of any watercourses.

5.12 SUMMARY MAP (10/1/88)

The applicant shall provide a map of the property at a scale of 1 inch equals 200 feet or 1 inch equals 400 feet, as determined by the Town's Assessor, showing existing and proposed streets on and abutting the property and all existing and proposed property lines

and their lineal dimensions. The purpose of the map is to facilitate the transfer of information from the plan to the Town's Assessor's Maps. This map may be in the form of an insert map or may be presented on a separate sheet. (12/15/91)

5.12.1 (12/15/91) If the proposed subdivision includes more than 20 acres and is large enough to warrant a new assessor's map, as determined by the Assessor, the applicant shall present the map on a separate sheet with a border whose inside dimension shall be 23 by 29 inches, with a 5-by-5-inch blank space in the lower right corner of the bordered area for town use. If the size of the proposed subdivision is such that it cannot be conveniently shown on a single sheet, one or more additional sheets shall be provided.

5.13 DEEDS AND EASEMENTS (12/5/95)

Proposed recordable deeds and/or easements for any areas shown on the plan to be reserved for public purposes shall be submitted along with any application for subdivision approval.

5.13.1 Where land within 25 feet of the centerline of an existing road is shown on the plan as reserved for future road

5.13.2 Prior to endorsement of an approved plan for filing, the applicant shall provide executed deeds or easements, in a form satisfactory to the town counsel, for all areas shown on the plan to be reserved for public purposes.

SECTION 6 - Subdivision Design Requirements

6.1 SUITABILITY OF LAND

No land shall be subdivided unless it is of such character that it can be used for building purposes without danger to the health or the public safety. Furthermore, no lot shall be approved for building purposes unless proper and adequate evidence has been provided to the Commission to indicate that such lot will be provided with suitable storm water protection, be served by an adequate source of potable water, and is being served by a sanitary sewage disposal system which meets all applicable governmental requirements. In addition, in areas contiguous to brooks, rivers, or other bodies of water subject to flooding, no lot shall be approved unless proper provision has been made to assure that development on such lots shall be adequately protected from flooding. Those lots on which the soil conditions are such that they will not become suitable for sanitary sewage disposal without some site preparation, shall be clearly delineated on the proposed subdivision plan and all details of those improvements or

modifications necessary to meet applicable State and local requirements with regard to sanitary sewage disposal systems shall be described.

6.1.1 A minimum Net Buildable Area is required to be located within each new lot created after December 1, 2003 in order to assure that there is an area where a dwelling may be placed with minimal adverse impact on the character of the land and on the quality of the water on the site. This Net Buildable Area will not apply to the first subdivision or the first resubdivision of three (3) or fewer new lots by the owner(s) of record on the date of this regulation (December 1, 2003) when the use is for an individual single-family residence per lot(s). (10/1/13)

6.2 DIMENSIONAL REQUIREMENTS OF LOTS

Each lot within a subdivision shall conform to all applicable requirements of the Town of Salem's Zoning Regulations.

6.3 NATURAL ENVIRONMENT

Careful attention shall be given in the layout of all subdivisions to the preservation of those natural features which add value to residential developments and to the community, such as trees, shrubs, scenic points and similar irreplaceable assets. (6/27/00)

6.3.1 (10/1/90) Lots shall be arranged in a manner that results in the buildable area of each lot being contiguous and directly accessible from its frontage. (See waiver provisions in Section 9.)

6.3.2 Deleted 6/27/00

6.3.3 Deleted 6/27/00

6.3.4 The Net Buildable Area for each lot should be configured so as to provide an area requiring a minimum of excavation and fill for residential development and subsurface sewage treatment. (12/01/03)

6.4 STREETS

The layout of streets in a proposed subdivision shall be in accordance with the standards contained in these Regulations. Construction of streets shall meet the standards of the Salem Road Ordinance, which is Appendix A of these Regulations. (4/01/07)

6.4.1 No subdivision of land requiring the layout and establishment of new streets shall be made unless all proposed new streets are in harmony with adjacent existing or proposed streets, and of such width as to provide an adequate and convenient system for present and prospective traffic.

- 6.4.2 Wherever possible, as determined by the Commission, curvilinear street arrangements, following natural contours, shall be used in preference to gridiron systems.
- 6.4.3 Each street in a proposed subdivision shall have free access to either an accepted Town street or a State highway.
- 6.4.4 Centerlines of alternating side streets shall not be closer than 200 feet measured along the centerline of the principal street.
- 6.4.5 Except when impractical because of topography or other conditions, all streets shall join each other at right angles; however, in no case shall an intersection be permitted unless the angle of intersection of the two streets is at least 60 degrees and not more than 120 degrees, for a distance of at least 100 feet from the line of intersection.
- 6.4.6 All street corners shall be rounded with a radius of not less than 25 feet when the intersection occurs at a right angle. If the intersection occurs at an angle other than 90 degrees, a radius of 25 feet or greater shall be required.
- 6.4.7 The minimum radius of curvature at the centerline of all streets shall be 150 feet, and the tangent distance between any reversed curves shall not be less than 100 feet.
- 6.4.8 Permanent dead end streets or cul-de-sacs shall not exceed fifteen hundred (1,500) feet in length, and shall be provided with a turn-around roadway at the closed end with a minimum radius of fifty feet. Whenever a temporary cul-de-sac is approved by the Commission, adequate provision for future extension of the street shall be provided.
- 6.4.9 Streets which join or are in alignment with streets on an adjoining or neighboring property shall bear the same name.
- 6.4.10 No duplication of street names shall be permitted except as indicated in item 6.4.9, above, and all street names shall be subject to the approval of the Commission.

6.5 LOTS

The shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development contemplated. As a minimum, lots shall conform to the minimum requirements as to dimensions, area, and size of the zoning regulations of the Town for the zone in which the subdivision is

located, but may be laid out in excess of such minimum requirements.

6.5.1 All proposed building lots shall be designed and arranged to as to make the best use of the natural terrain, to avoid unnecessary grading and to preserve important natural features.

6.5.2 Each lot within a proposed subdivision shall meet the lot area, frontage, and width requirements and Net Buildable Area requirements of the Salem Zoning Regulations. (12/01/03)

6.5.3 The subdivider shall demonstrate to the Commission that he has considered the use of passive solar energy techniques in developing the plan. Passive solar energy techniques mean site design techniques, which maximize solar heat gain, minimize heat loss and provide thermal storage within a building during the heating season and minimize heat gain and provide for natural ventilation during the cooling season. The site design techniques shall include, but not be limited to: (1) house orientation; (2) street and lot layout; (3) vegetation; (4) natural and manmade topographical features; and (5) protection of solar access within the development.

6.5.4 In designating lot numbers on a proposed subdivision, such numbering shall be consistent with the numbering system utilized by the Town of Salem's Tax Assessor.

6.6 DRAINAGE

In the construction and layout of new streets in a subdivision, adequate provision shall be made for the disposal of surface and storm water. In addition, the Commission may require the installation of various storm drainage improvements for the whole or any part of a subdivision where conditions indicate the need for such improvements on or off the site in order to protect the public health, safety, and welfare. All such improvements shall be in accordance with construction specifications of the Town Road Ordinance.

6.7 RESERVE STRIPS

No privately owned reserve strip shall be permitted which controls access to any part of a proposed subdivision from any streets or other open space dedicated or to be dedicated to public use.

6.8 OPEN SPACE AND RECREATION AREAS

Recreation and open space areas, when required by the Commission shall be provided in accordance with Section 8 of these Regulations. (7/31/02)

6.9 COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS

No subdivision or re-subdivision shall be approved unless all lots shown thereon meet all of the applicable requirements of the Town of Salem's Zoning Regulations or variances of said requirements as have been approved by the Town of Salem's Zoning Board of Appeals nor shall any subdivision or re-subdivision be approved unless such subdivision plan meets all of the requirements of these Regulations or conforms to all provisions of any waiver of these Regulations which may have been granted by the Commission in accordance with the provisions of Section 9 of these Regulations.

6.10 EROSION AND SEDIMENT (E&S) CONTROL PLAN (6/18/85)

Whenever plans for a subdivision show construction of improvements or buildings related to the subdivision that will result in the disturbance of more than one-half acre of land, the applicant will submit, as part of the subdivision plan, an E&S Control Plan that presents, in mapped and narrative form, the measures to be taken to control erosion and sedimentation, both during and after construction. The E&S plan shall be based on "Connecticut Guidelines for Soil Erosion and Sediment Control", available from the Natural Resources Center of the Connecticut Department of Environmental Protection.

6.10.1 The E&S Control Plan shall include the following:

- a) A description of the project and a schedule of the major activities to be constructed on the land.
- b) Locations of areas to be stripped of vegetation.
- c) Locations of areas to be regraded and contour data indicating existing and proposed grades.
- d) A schedule of operations, including the sequence of major improvement phases such as clearing, grading, paving, installation of drainage features and the like.
- e) Seeding, sodding, or revegetation plans and specifications for all unprotected or unvegetated areas.
- f) Location, design and timing of structural control measures, such as diversions, waterways, grade stabilization structures, debris basins, and the like. The narrative shall indicate design criteria used in the design of control measures.
- g) A description of procedures to be followed to maintain sediment control measures.

- h) The plan map shall show the words: "Erosion and Sediment Control Plan Certified by vote of the Salem Planning and Zoning Commission on (date)," and a space for the signature of the Chairman or Secretary of the Commission.
- 6.10.2 After review of the E&S Control Plan by the Commission or its designee, the Commission shall vote to certify that the plan is in compliance with these Regulations. (A vote of the Commission to approve a subdivision plan shall imply approval of the E&S plan as well.)
- 6.10.3 The Commission, through its members, agents, and consultants, shall periodically inspect construction projects for which E&S plans have been certified to verify that erosion and sediment controls are consistent with the certified plan.
- 6.10.4 When the Commission requires a performance surety for E&S control measures, the amount of the surety shall be sufficient to cover the costs of accomplishing the E&S control measures. (7/31/02) Upon submission of a request for release of said bond, the Commission shall, within 65 days of such request, release all or a portion of said bond and, if not a full release, shall provide a written explanation as to any corrections(s) that must be completed before such bond or surety or portion thereof may be released. (4/6/12)

SECTION 7 - Subdivision Improvements

7.1 IMPROVEMENTS

- 7.1.1 All subdivision improvements shall be constructed in accordance with the Town Road Ordinance and these Regulations.

7.2 MONUMENTS

- 7.2.1 Monuments shall be used to mark at least four angle points on the boundary of each lot. They shall be well distributed around the perimeters of the lots and shall mark the front corners of lots fronting on any road. In addition, monuments shall be provided as prescribed in the Town Road Ordinance. A drill hole, cross, or metal plus may be used where the point to be marked occurs on exposed ledge. Where other factors prevent the installation of a monument at any angle point, the monument may be installed nearby and referenced by distance and bearing to the angle point. All other angle points shall be marked by metal pipe markers.

Monuments shall be made of granite or cement concrete, three feet long and four inches square at the top, and the center shall be marked with a metal plug, pin, or rod. They shall be securely set in the ground with the top protruding no more than six inches above finished grade. Metal pipes shall be one-half inch inside diameter and three feet long. They shall be securely set in the ground with the top protruding six inches above finished grade.

Any monument previously set by the State of Connecticut or any monument used to mark the corner of any subdivision previously approved by the Commission may be used to satisfy these requirements.

- 7.2.2 Installation of monuments and markers shall be completed prior to endorsement of the mylars. As evidence that the monuments and markers have been installed, the developer shall submit, in writing, a statement from the surveyor certifying that the monuments and markers have been installed in accordance with the approved plan. (7/31/02)

Upon Commission approval, a surety may be provide in lieu of installation of monuments and markers prior to endorsement of the mylars. No Certificate of Occupancy shall be issued until the monuments and markers have been installed. As evidence that the monuments and markers have been installed, the developer shall submit, in writing, a statement from the surveyor certifying that the monuments and markers have been installed in accordance with the approved plan. (7/31/02)

Where construction associated with public improvements that are part of the approved subdivision plan would prevent the installation of monuments and markers, temporary markers shall be set. A surety shall be provided for the permanent markers. No Certificate of Occupancy shall be issued until the permanent monuments and markers have been installed. (7/31/02)

- 7.2.3 (Deleted 7/31/02)

7.3 STREETS

- 7.3.1 Whenever a subdivision borders an existing street whose right-of-way is less than the minimum required within these Regulations, the Commission may require the subdivider to deed to the Town a strip of land whose width equals one half of the total additional land as may be required to provide the total required right-of-way width.

- 7.3.2 Reserve strips for future street connections to adjoining property which may in the future be

subdivided shall be provided when required by the Commission. These strips shall have intersection curb radii as required by the Town Road Ordinance.

SECTION 8 - Open Space Requirements (7/15/90)

8.1 GENERAL REQUIREMENTS

The Commission may require a subdivision plan to show areas to be reserved for open spaces, parks and playgrounds when, and in places, deemed proper by the Commission. Applicants are urged to discuss open space and recreation proposals with the Commission in a pre-application sketch plan review session prior to preparing final subdivision plans. (7/31/01)

8.1.1 Open spaces are areas containing important natural resources, such as wetlands, watercourses, steep slopes, rock outcrops, wildlife corridors, or other significant features. Open space may also protect scenic views or enhance features in a subdivision.

8.1.2 Parks shall be areas accessible to, and usable by, the general public for either active or passive recreation, or both. Lineal areas, suitable for pedestrian or equestrian trails, may be considered as parks.

8.1.3 Playgrounds are areas intended and suitable for active recreation. The Commission shall require that such areas be graded, properly drained, loomed and seeded.

8.2 DISPOSITION OF OPEN SPACE

As determined by the Commission to be most appropriate for the betterment of the town, disposition of open space and recreation areas shall be by one of the methods listed in Sections 8.2.1 to 8.2.5. What constitutes "for the betterment of the town" shall include, but not necessarily be limited to:

- a) the availability of similar types of open space and recreation areas in other parts of the town, and
- b) whether the type of amenity is one which a town like Salem would normally provide for all of the town's residents.

8.2.1 Conveyed to the Town of Salem, after consultation with the Salem Recreation Commission and the Board of Selectmen. In the event that the town fails to accept the open space, an acceptable alternative disposition shall be noted on the plan.

8.2.2 Conveyed to a homeowners association within the subdivision, in accordance with the common interest

ownership provisions of the Connecticut General Statutes.

- 8.2.3 Conveyed to a land trust acceptable to the Commission.
- 8.2.4 Protected and preserved by a conservation easement under terms satisfactory to the Commission.
- 8.2.5 Conveyance of development rights to the Town of Salem.
- 8.2.6 Fee in lieu of open space. The applicant may, with the approval of the Commission, pay a fee to the Town of Salem, or pay a fee and transfer land to the Town of Salem, in lieu of any requirement to provide open spaces. (4/01/07)

8.2.6.1.1 Such payment or combination of payment and the fair market value of land transferred shall be equal to not more than ten (10%) percent of the fair market value of the land to be subdivided prior to the approval of the subdivision. The fair market value shall be determined by an appraiser jointly selected by the Commission and the applicant. The cost of said appraisal shall be borne by the applicant. A fraction of such payment the numerator of which is one and the denominator of which is the number of approved parcels in the subdivision shall be made at the time of the sale of each approved parcel of land in the subdivision and placed in a fund established in accordance with CGS §8-25b. (4/01/07)

8.3 LOCATIONAL & SHAPE CONSIDERATIONS

Open space, parks, and playgrounds shall be consistent with the following standards:

- 8.3.1 Areas for parks & playgrounds shall have direct access to a street by way of a pedestrian path or walkway in a corridor, which is part of such area.
- 8.3.2 The dimensions of areas reserved for open space, parks, or playgrounds shall be adequate to accommodate the intended uses.
- 8.3.3 Open space locations shall be determined by the features they are intended to protect or enhance.
- 8.3.4 Park and playground locations shall be conveniently accessible to their prospective users.
- 8.3.5 Dimensions of playgrounds shall be adequate to accommodate intended facilities. The minimum area of a playground shall be 20,000 square feet.

8.4 AMOUNT OF LAND REQUIRED

Land for open space, parks, and playgrounds shall be consistent with the following:

8.4.1 Land for open space shall be the amount necessary to achieve the purposes described in Section 8.1.1, above.

8.4.2 Land for parks or playgrounds shall be at least 5 percent of the area of the subdivision devoted to building lots, except that the Commission may waive the requirements when the number of lots in the subdivision is less than 10 or where existing parks and playgrounds on nearby properties are deemed adequate to serve the proposed subdivision. In the case of resubdivision plans, which increase the total number of new lots by less than 10, the previously approved lots shall be considered as part of the total in determining these requirements.

8.5 EASEMENTS

8.5.1 All designated utility and/or drainage easements required by the provisions of these Regulations which cross lots shall be placed along rear or side lot lines and shall be at least twenty feet wide.

8.5.2 Where a subdivision is traversed by a watercourse, drainage way, channel or stream, the Commission may require that there be provided a storm water easement or drainage right-of-way of adequate width to conform substantially to the lines of such watercourse, drainage way, channel or stream.

8.5.3 Where the storm water from a proposed subdivision is to be discharged onto lands not included within such subdivision, the subdivider shall provide the Commission with a written document indicating that the subdivider has the right to drain onto such adjacent lands.

8.6 PERMITS FOR WORK IN A STATE HIGHWAY

Where a proposed street joins with a State highway and/or where a proposed storm drain is to be connected to the drainage system serving a State highway, the subdivider shall present written evidence to the Commission that an application with the necessary plans and data for a State Traffic Commission or State Department of Transportation Permit has been submitted to the appropriate State Officials.

8.7 PERMITS FOR WORK IN A TOWN ROAD

Where a proposed street joins with a Town Road, and where lots within a proposed subdivision are to have driveway connections with an existing Town Road, the subdivider shall present written evidence to the Commission that such proposed connection meets the approval of the Town of Salem's Board of Selectmen, as provided for within the Town's Ordinance Regulating Excavations, Cuts, Fills, and Change of Grade in Public Highways.

In those cases where a proposed drainage system is to be connected to existing Town drainage facilities, or where any other work is to be undertaken within the confines of a public right-of-way, the subdivider shall present written evidence to the Commission that such proposed connections meet the approval of the Town of Salem's Board of Selectmen. (1/4/85)

SECTION 9 - Waivers

9.1 REASONS FOR WAIVERS

Those provisions of these Regulations listed under Section 9 herein, may be waived by the Commission if approved by at least six members of the Commission, provided no such waiver shall be granted unless a determination has been made that each of the following conditions has been met.

- 9.1.1 The proposed subdivision contains conditions which are unique to the subject site and are not generally applicable to other land in the area.
- 9.1.2 The granting of the requested waiver shall not adversely affect adjacent property or the public health and safety.
- 9.1.3 The physical conditions at the subject site which may include extensive areas with steep slopes, extensive wetland areas, irregular parcel shape, significant ledge outcroppings or other similar physical features create a degree of hardship on the subdivider in meeting all requirements of these Regulations, which cannot be reasonably resolved without such waiver.
- 9.1.4 The granting of such waiver shall not in any manner serve to modify or otherwise relieve the subdivider from meeting all the requirements of the Town of Salem's Zoning Regulations, and all requirements of the Town of Salem's Inland Wetlands Agency, and all requirements of any other Town ordinance or regulation.

9.2 CONDITIONAL APPROVALS

When approving waivers, under the provisions of Section 9 herein, the Commission may attach such terms and conditions upon such waiver as they deem necessary to assure compliance with the purposes and objectives of these Regulations.

9.3 WAIVER LIMITATIONS

Waivers may only be granted for the following provisions of these Regulations:

- 9.3.1 Contour information at five-foot intervals as required under Section 5.3.13 of these Regulations.
- 9.3.2 The distance between center lines of alternating side streets as required under Section 6.4.4 of these Regulations.
- 9.3.3 The length of dead end streets or cul-de-sacs as required under Section 6.4.8 of these Regulations.
- 9.3.4 When a new street intersects an existing street and the existing right-of-way is no more than fifty feet in width, the requirements of Section 6.4.6 of these Regulations regarding radii of street corners.
- 9.3.5 The separation distances between rear-lot driveways and such driveways and public road intersections, as required by Section 3.14.6 of the Salem Zoning Regulations. (5/1/85)
- 9.3.6 (Deleted 7/31/02)
- 9.3.7 (10/1/90) The requirements of Sections 6.3.1 may be waived in whole or in part where the Commission finds conformance would preclude a design that is more beneficial to the interests of the Town of Salem. (6/27/00)
- 9.3.8 (6/01/94) The Commission may waive the requirement for an A-2 survey of one parcel in a subdivision which creates no more than one additional lot of record when said parcel contains 25 or more acres.

9.4 FORM OF WAIVER REQUEST

Each request for a waiver under the provisions of Section 9 herein shall be submitted in writing by the subdivider as part of the application and shall contain a detailed explanation of the unique conditions on the site necessitating such waiver and the hardship which would be created if such waiver was not granted. (7/31/02)

9.5 RECORDING OF REASONS FOR WAIVER

When granting any waiver under the provisions of this section, the Commission shall indicate within its minutes the reasons for which such waiver was granted.

SECTION 10 - Enforcement

Any person, firm or corporation making any subdivision of land without the approval of the Planning and Zoning Commission of the Town of Salem shall be fined not more than \$500 for each lot sold or offered for sale or so subdivided. Said penalty is pursuant to Section 8-25 of the Connecticut General Statutes, as amended.

SECTION 11 - Separability

If any section, subsection, sentence, or portion of these Regulations is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of these Regulations.

SECTION 12 - Amendments

These Regulations may be amended from time-to-time in accordance with the procedures specified in Section 8-25 of the Connecticut General Statutes, as amended.

SECTION 13 - Effective Date

Under the authority vested in the Planning Commission by Chapter 126 of the State of Connecticut General Statutes, as amended, these Regulations shall cancel and supersede the Subdivision Regulations, Town of Salem, adopted on August 1, 1960, and revised January 27, 1973, and June 9, 1979.

All subdivision plans approved prior to or pending before the Commission on the effective date of these Regulations which is hereby set as May 25, 1984, shall be processed according to the regulations in force under the Subdivision Regulations as amended through June 9, 1979. All subsequent applications submitted to the Commission on or after May 25, 1984, shall comply with these Regulations.

